

# **TAB 1**

Scott and Denise Cubbler

Fairfax, Virginia

September 19, 2009

REDACTED

Honorable Richard J. Sullivan  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Dear Judge Sullivan:

Thank you for allowing us the opportunity to express our support for Mr. Gary Tanaka.

We're sure you have a number of letters from people who have known Gary for many years. In fact, we only became acquainted with Mr. Tanaka after his arrest. We are close friends with his son and daughter-in-law, Mark and Tory Tanaka. Our relationship began due to the fact that Gary was under house arrest in their home.

Our impressions of Gary are that he is a family man, one that can be trusted with the well being of his grandchildren. He enjoyed them immensely and spent copious amounts of time with them.

In spite of his challenges, he always maintained an upbeat attitude and outlook on life. We frequently discussed the daily news events, horses, and the latest issues with the remainder of his family back home in London. On one occasion, Gary permitted us to experience the horse races (first and only time), from the owner's perspective.

On a more personal note, we led a small group Bible study at Mark and Tory's apartment on a weekly basis. Gary was under no requirement to attend, but he came anyway. He was engaging, intelligent, friendly, and appropriately skeptical, asking numerous questions. At the same time, he did not just run to religion in the face of his challenges.

During his house arrest, Tory had her fortieth birthday, and Mark surprised her with a party. Gary was eager to help in any way he could, and he was a critical factor in making the night a success for Mark and Tory.

Although we've only known Gary for a relatively short time, he is a warm, sincere, compassionate father and friend. We have never seen him do anything for personal benefit, and personally we found him to be a generous spirit.

Respectfully,



Scott Cubbler



Denise Cubbler

## **TAB 2**

Michelle Drucker

Rego Park, NY

REDACTED

Honorable Richard J. Sullivan  
Daniel Patrick Moynihan  
United States Court House  
500 Pearl Street  
New York, NY 10007-1312

Dear Judge Sullivan:

I submit this letter as a request for leniency in the upcoming sentencing of Gary Tanaka. Three and a half years ago, I joined the firm of Wilson Sonsini Goodrich & Rosati and began assisting on Gary's case. During the time leading up to and including the trial, I had the pleasure of getting to know Gary. This letter is about my personal observations of Gary the person and does not involve any privileged communication or work product related to the firm's representation of Gary.

My impression of Gary's selflessness was developed upon first meeting, but was continuously reaffirmed right up to the moment his fate was to be decided. Every time Gary came by the office he was so pleasant, making sure to always ask how I was doing. The irony I thought; this man is facing serious charges and he asked me how I was doing more than I asked him! Before I left for London to attend the depositions of Maxine Rye and James Stableford, Gary asked that I do a favor for him. His daughter had recently broken up with her boyfriend and so he asked that I deliver some books to her to help through the tough time. While looking in the bookstore, he found a few books that his wife might like and asked that I deliver those books to her as well. Crucial moments arose and yet Gary spent his time worried about his family more than he did about himself.

During the trial, I spent a lot of time observing Gary's interactions with his family and friends. Every morning I witnessed him bring snacks for his mother and sister in case they got hungry. When court recessed for lunch, I watched Gary race down to the cafeteria to make sure that he can help his elderly mother (who needs a walker to move about) and sister. Even when sensitive subjects were discussed in the courtroom Gary would whisper to me that he was worried about his mother because he knew she was crying. Never once did Gary request sympathy. Never once did he want anyone to worry about his personal needs.

Often times I would receive emails from Gary in the middle of the night requesting certain items for the next day in court. When I would quickly reply (showing I was still at work late at night), Gary would respond that I needed to go home because he was concerned I was wearing myself thin. It was clear to me that Gary didn't tell me to go home because he was concerned about the quality of my work deteriorating; it was clear to me that he said it because he genuinely cared. Although I often ignored his requests to go home, I appreciated all of his words of concern and gratitude.

I can only imagine how difficult and complicated it must be to impose sentence on a person. That said, in my view, it's time for Gary to be reunited with his family who misses him so much over the last four and a half years. There is a saying, "the true worth of a man is not how much he has accomplished when things are going in his favor, when fortune is smiling on him. His true worth is revealed when in stress...." I have seen Gary during some of his worst times and all I can say is never have I seen someone so selfless, humble and gracious during such times. I hope that you will take my words into strong consideration as this is the side of Gary that the Court never has had the pleasure of seeing up close. Please send him home so that he can continue his valuable role as a father, a husband, a son, a brother and a friend.

Respectfully,

A handwritten signature in black ink, appearing to read "Michelle Drucker", followed by a horizontal line extending to the right.

Michelle Drucker

## **TAB 3**



Françoise Dupuis

REDACTED

Pasadena, CA  
Telephone: (626) 793-5466  
Fax: (626) 792-5648

September 21st 09

Dear Judge Sullivan,

Gary Tanaka is a very close friend of mine. I have known Mr. Tanaka since 1993. My horse business relationship with Mr. Tanaka has been an utmost pleasure, as he is the most gracious gentleman I have ever dealt with as a Bloodstock Agent.

We are in such a challenging business, with tremendous competition, with ups and downs (more downs than ups!), that it is extremely rare to encounter some one like Mr. Gary Tanaka.

Mr. Tanaka has been always truthful, honest with the utmost integrity.


I respected very much and I am very saddened by the situation he finds himself in. I know his wife, and children, his father, his mother, his sisters and they are upright people. (His father who has passed away)

The Gary I know is not the Gary I have read about in the newspapers, as I know how he kept his company Amerindo afloat by paying his employees out of his own pocket.

I wonder if part of him being Japanese is part of his predicament, as it is very foreign to him to confront some one openly?

I plead for leniency as I feel that he has been punished enough by being separated for so long from his family.  
I have seen his health deteriorated over the years and I cannot see that more punishment would help society.

Respectfully,

 E. Dupuis

Mrs. Françoise Dupuis



**TAB 4**

*agm* agm partners LLP

Innovation Centre  
23 Cambridge Science Park  
Milton Road  
Cambridge  
CB4 0EY

Honorable Richard J Sullivan  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Tel: +44 (0) 1223 437144/5  
Fax: + 44 (0) 1223 437148

25 June 2009

Dear Judge Sullivan,

**Gary Tanaka**

I understand that Gary Tanaka has been convicted of a serious federal crime and is currently awaiting sentencing.

I have known Gary Tanaka for over 16 years in a professional capacity in respect of his Value Added Tax affairs in the United Kingdom. During that time I have worked for what is now PricewaterhouseCoopers, KPMG (as a partner) and now with my own firm.

This has primarily been in respect of Gary's European bloodstock activities. This is an industry that has attracts more than its fair share of people who are prepared to engage in shady practices – particularly bloodstock agents. However during the period that I have acted for Gary he has behaved impeccably and has consistently refused to do anything that was not completely above board. This unwillingness to behave in anything other than a correct fashion has probably lost him the opportunity to obtain bloodstock that he would have liked to own. His view has always been that he can succeed in the bloodstock business by behaving with integrity and this has been reflected in the dealings that I have had with him over the years.

On a day-to-day basis our working relationship has always been based upon complete openness – both between him and me and with the tax authorities. His instructions to me have always been that he wants everything done on a straightforward basis and that if we receive enquiries from the revenue authority we should be as helpful as we can. He has an unblemished record with regard to his VAT affairs.

On a personal basis I have always found Gary to be someone who believes the best in people and is someone that I have come to like and respect as a human being.

**John Ayton FCA**

**Clive Gregory FCA**

**Jeremy Jackson ACA**

**Peter Mendham**

I hope that you will find this of assistance in your deliberations.

Yours sincerely

A handwritten signature in black ink, appearing to read "Peter Mendham", with a stylized, flowing script.

Peter Mendham

Partner

## **TAB 5**

Honorable Richard J. Sullivan  
Daniel Patric Moynihan  
United States Courthouse  
500 Pear Street  
New York, NY 10007-1212

Dear Honourable Judge

Before I begin writing to you, Your Honour, I would like to introduce myself and respectfully ask Your Honour to kindly read my letter to the very end.

My name is Janina Niedbalec, I am 76 years old. I am the mother-in-law of Gary Tanaka, whom Your Honour will soon sentence. I know that my son-in-law was convicted of committing crimes but I do not believe that he really did commit those crimes.

Though Gary is our son- in-law we\* have always treated him as if he were our own son. We respected and admired Gary for his hard and diligent work, his carefulness with money and his respectful manner he always displayed towards other people.

Gary always helped others in any way he could.

My husband and I often visited our daughter and Gary in London. He has never showed us the slightest dissatisfaction with us staying with them. Quite to the contrary, he took good care of us and showed us a lot of happiness; and we were very happy to witness what a happy family life they had and how well they were bringing up their children.

When Gary became ill, our daughter, Gary's wife, asked us to go over to England to take care of our grandchildren, so she could stay with Gary in the hospital in New York. Is it not a proof of a loving marriage they had?

When I was ill, having had three heart attacks I was unwell, my condition was very poor, Gary would call me at the hospital in Poland, and he was asking doctors about my condition. The doctors were surprise that a son-in-law could be so caring.

He always took care of us and treated us with respect perhaps as a thank you for giving him such good wife and a mother to his children.

When we stayed with them, Gary would drive my husband to church so my husband would not get tired walking; he would drive a long distance to buy my husband a Polish newspaper, so my husband had something to read because we do not know English. Whenever there was free time on Saturday, he took us to London, because he knew such outings gave us some joy. He always gave us some spending money. He did not have to do any of those things, because it would have been quite just if he were resting at home after a hard work during a week, but he chose to please us.

He always sent us good wishes for Christmas, Easter, or birthdays. Even now, when he is away from home he has not forgotten about us. He calls and enquires about our health.

Now, when the fate of our son-in-law is in Your Honour's hands I beg for leniency.

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Please, do not destroy his and his family life, because they do not deserve it. It is a great misfortune that he got mixed up in these terrible matters. Our grandson, Gary's son, was a happy-go-lucky child, he is an outstanding pupil at school, he was awarded every possible academic prize; perhaps he also be a judge one day, we wish for that very much. However, now he has become withdrawn, he suffers badly because of what has been happening, even though efforts are made not to discuss the matters in his presence.

If Your Honour has children, then Your Honour understands very well what I am talking about. We are very worried that our grandson does not develop some serious illness because of the stress and worry he has been under, he is after all only 13 years old. He waits day after day for his Dad's return. Our son-in-law has already been punished; he lost his job, his reputation and good name and he has suffered such long separation from his family. Is this not enough?

Please, Your Honour, allow my grandson to believe that there are good and merciful people in this world, and that his Dad will be able to return home very soon. Please do not let my grandson to think that his Dad was sent to prison because he was unable to proof his innocence.

If I could speak English, I would go to New York and on my knees; I would beg Your Honour for clemency for my son-in-law.

I hope that it will happen. I hope that before my husband and I will close our eyes forever we will be able to see our son-in-law. I would like to say that we do not think that we have much time left, as I have written above I am 76 years old and my husband is 83 years old. We are both in poor health. Perhaps, the Court would say that none of this matter at all, law is law and I have to follow it. I am convinced that our son-in-law is innocent. He could not possible harm anyone.

Please, Your Honour, I beg in any way I can, please sent free my son-in-law. Allow him to go back home to his family who needs him and waits for him.

I sincerely hope that Your Honour will consider my plea.

Thank you, and I wish long and healthy life,

Janina and Jozef Niedbalec

Krakow  
POLAND

REDACTED

*PS Since writing this letter, having learnt that the Government has asked for a very severe sentence, my mother had a stroke on the 14<sup>th</sup> October.*

Honorable Richard T. Sullivan  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312.

Szanowny Panie Sędzio

Zanim zaczął pisać te kilka słów do Pana, Panie Sędzio, chciałbym się przedstawić i uprzejmie Pana prosić aby Pan zechciał przeczytać mój list do końca.

Moje nazwisko, Janina Nieolbalet mam 76 lat. Jestem tasiemcą Garego Tanaki, którego wkrótce będzie Pan karał. Wiem, że mój zjść został uznany winnym, ale ja nie wiem że on naprawdę popełnił jakies przestępstwo.

Sam jest naszym zjściem, ale zawsze uważaliśmy go tak jakby był naszym rodzonym synem. Szanowaliśmy go i byliśmy pełni podziwu za jego ciężką i sumienną pracę, ostrzedniem i szacunek dla ludzi.

Sam pomagał ludziom ile mógł.

Mój mąż i ja często odwiedzaliśmy naszą córkę i Garego w Londynie. Nigdy nie okazał najmniejszego niezadowolenia z naszego pobytu u nich. Wzajemnie odwrotnie bardzo się nami opiekował, okazał nam wiele radości, a my się cieszyliśmy zimi że tak dobrze żyje i wychowuje dzieci.

Nasza córka a jego żona jest zachorowała to poprosiła nas żebyśmy przyjechali do nich żeby być przy dzieckach, a ona pojedzie z mżem t.j. Garem do szpitala do Nowyorku aby się nim opiekować i być razem z nim w czasie choroby w szpitalu. Czy to nie świadczy że byli dobrym małżeństwem.

Ja jak byłem chore, bardzo chore byłem po 3-ty zawałce  
serca, stan mojego zdrowia był bardzo ciężki to Serry odwiezł  
do szpitala do Łodzi i wypytywał się lekarzy o moje zdrowie.

Lekarze dziwili się że może być taki dobry, okazał  
nam wiele troski i szacunku, może że to i dostał taki  
dobry żonę i matkę dla dzieci. Dorosłe pokój u nich to  
zawoził mnie do końca żeby się nie zmęczył chodząc  
na piechotę. Jeździł bardzo daleko do sklepu aby mi  
kupić Polską gazetę, żeby mógł sobie poczytać bo nie  
znemy angielskiego. A jak było wolne sobota to woził  
nas do sklepu do Londynu i żeby zrobić nam przyjemność  
bo, niechciał iść my to bardzo lubimy, zawsze nam zawsze  
pojechał na ciastka lub kawa bo niechciał iść my  
funtoś nie mamy. Nie musiał tego robić. Mógł wypocząć  
po ciężkiej tygodniowej pracy, ale tak nie robił?

Nie było żużla ani urobisz żeby o nas zapomniał.  
Nawet teraz gdzie jest poza domem rachunym  
o nas nie zapominał. Dzwonił i pytał o zdrowie czyste.

A o tej chwili kiedy toczy się las naszego życia  
i Pan jakich błagam o wyrozumiałość.

Nie niszcz jego i jego rodziny bo oni usypali  
na to nie zasługują. To jest wielka pomyłka że on  
jest to wszystko wieszany. Nam wrażliwość a jego syn  
był własnym dzieckiem pełen życia, jest bardzo  
dobrym uczniem zdobywał wszystkie nagrody  
i medal, może kiedyś ktoś będzie chciał tak tego  
być my wszyscy pragniemy, ale teraz zrobił się zamknięty  
i sobie bardzo to wszystko przeżywa, mimo że ani  
nie rozmowy na te tematy przy nim. Jak Pan ma  
rodzine i dzieci to Pan nie najlepiej, i to wszystko  
rozumie.



Boimy się bardzo aby nam wrócić nie a paść w jaką  
chorobę bo on ma dopiero 13-let. Czekam i dnie na dzień  
że jego Tata wkrótce wróci do domu. Nam zjść i tak  
jści został ukarany stracić pracę, reputację dobre imię  
rozłożyć tak długą ioching i to nie z jego winy. On to nie  
wystarczy? Kiedy Pan, Panie Sędzio nie pozwali żeby nasz  
wrócić <sup>nie</sup> pamięta? że na tym świecie są jeszcze dobrzy ludzie  
i sprawni, i że wkrótce jego Tata wróci do domu

Niech nigdy nie zapomni, że jego ojciec siedzi w więzieniu  
ze to co nie ma? Bo to by było o wiele więcej i nas straszy.

Schylam umiałe mówić po Angielsku ale to projektant  
był do Sędzi upadła na kolana przed Sędziom i prosząc  
o uwolnienie naszego zjść.

Mamy nadzieję że tak też się stanie. Ze naszym  
zamiarem cały ja i mój mój to jeszcze się zobaczymy  
Ale chęć Panu Sędziemu napisze że to ja nie oługo  
bo jest ja piszę że ja mam 76 lat a mój 83.

Jako że jestem bardzo z chorowaniem. Ponieważ ja  
mnie to dochoch, ja pracuję i litera prawa ale ta litera  
prawa nie zawsze jest prawdą. Pieniężny i całe odpowiedzial-  
-ności że nam zjść jest niewinny. On nikomu by  
Karygodny nie został. Błagam Pana Sędziego jak tylko potrafisz  
uwolnić naszego zjść. Kiedy wróci do domu do roching  
który tak bardzo go potrzebuje i czeka na niego  
Mam nadzieję że Sędzi mnie uwolni.

Dziękuję bardzo Zawsze oługo lat  
i zdrowia.

Jenina i Josef Niedbulec

REDACTED

(Redacted)

## **TAB 6**

September 1, 2009

The Honorable Richard J. Sullivan  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

Dear Judge Sullivan:

My name is Lynn Sien and I have known Gary Tanaka for over 35 years, many as a fellow investment professional and then as a friend.

I have spent most of my professional career being an Investment Manager & Investment Advisor.

Crocker Bank, Security Analyst & Investment Officer 1974-1976  
Bank of America, Sr. Investment Officer/Security Analyst, Vice Pres. 1976-1982  
Jardine Fleming Taiwan, Vice President, CFA from Taiwan 1986-1993  
American Chamber of Commerce in Taiwan, Executive Director 1993-1999  
Merrill Lynch International, Vice President 2000-2002  
Lynn Sien Designs (jewelry designing company) 2003- to present

I met Gary fresh out of graduate school when I was hired as a Portfolio Manager for Crocker Bank. As it happened, I was assigned to an Investment Team of four investment professionals which included Gary. As such, we became investment "teammates" for the ensuing 2 years, working very closely and often sought his help and advice.

During those two years at Crocker Bank, it was clear to me that Gary was an extraordinary Investment Manager and a caring and compassionate professional. More importantly, he served as my Mentor and was very generous in sharing his expertise and observations on professional money management, trading and security analysis.

For example, there were many times when Gary would bring me with him to visit the trading room to get a better sense of managing investments and developing my own professional style and expertise. And although that does not sound like much, in the 1970's and being a young woman, indeed it was. This was still a very male dominated industry.

Likewise, portfolio managers, security analysts and traders each had their own enclave and were pretty territorial. But they all respected Gary for his intelligence, skill, integrity and welcomed his visits and shared insights. On other occasions, he would bring me along to the "boy's" coffee bull sessions where many new investment strategies/ideas were analyzed, digested and/or discarded. Again, as a young woman trying to be successful in the industry, I benefited enormously from his mentoring and developed a stronger professional demeanor for which I am ever grateful.

Gary was always generous with sharing his exceptional investment expertise, insights and overall money management skills. In all the years, I worked in the investment arena both here in the US and Asia, I never again met anyone professionally as gifted and compassionate as Gary.

Above all of this was his integrity and character. He never made excuses about his birth in a Japanese internment camp, nor did many know. Gary is a man whose character and honor were more important to him than what others thought of him. He wasn't out to impress others with "smooshing" or appearances (the only way his wife was able to get him to get new suits was to cut the pant legs off one night and he was forced to go out and buy new clothes!) but rather with his knowledge, skill, conduct and character.

He was not the guy that needed the limelight – he was happy in the knowledge of his accomplishments. His only passion was his horses. And in a way, picking up a good thoroughbred is much like identifying a good stock at the beginning of its long term cyclical rise! So whether it was the performance of a stock portfolio or a horse race, the driving force seems to be identifying an underperformer and sticking with it.

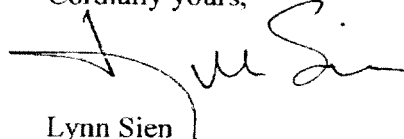
Indeed, working closely with him for those two years shaped my own career path and in no small measure contributed to my success in both the investment fields both here in the U.S. and Taiwan. More importantly, I took away a lot more than sheer investment knowledge – I learned how to comport myself professionally when confronted with difficult situations and know that good character and integrity will prevail especially during times of adversity.

As the 70's rolled into the 1980's, Gary moved abroad to the Middle East and my husband and I moved to Taiwan. During that time there was the sporadic communication or Xmas gifts sent to my daughter from Gary in London.

When I returned to the U.S. in 2000 we were able to reconnect professionally and pick up on our friendship again. And what a pleasant surprise that he was the same "Gary" that I had known as a young blonde rookie investment manager back in the 70's. Gary remains compassionate, caring, great sense of integrity, witty & humorous and wonderful family man. This is the real Gary Tanaka.

I am in no way minimizing the seriousness of the Offense. In today's economic and investment climate too many have become victimized by scam artists that posed as investment managers. However, Gary is the real deal when it comes to professional investment management and it is hard for me to fathom what happened. This is so out of character for Gary – a man I know to be of great truthfulness, character and wisdom.

Cordially yours,



Lynn Sien

**TAB 7**

Dear Judge Sullivan,

REDACTED

My name is Renata LePort-Tanaka; I am Gary Tanaka's wife.

I am fifty-two years old and I am a mother of two children, my daughter Janeczka who is almost 26 years old and my son A who will be fourteen in October.

As your Honour is most likely aware Mr Mark Johnson, the Probation Officer, approached me for an interview in support of my husband's sentencing, which in the end I did not do. It is difficult to have a telephone conversation, which could have a heavy bearing on my husband's future knowing that it is open to interpretation and understanding of the person one talks to, we are after all divided by the common language, mine, in addition, has a Polish twist to it.

However, I shall endeavor to write comprehensively about my husband's character and our life together.

In the old days, before trouble became our main friend my husband had a sunny disposition. Amerindo was his life and trading flowed through his veins. Gary is a very intelligent man. He has a vast, factual knowledge on many subjects, a kind of human, walking encyclopaedia. However, he is incapable of retaining descriptive information, reading a fiction book or following a film plot. At the end of any film we watched together I had to explain to him in my Polish English what went on. He is unable to concentrate on a written word, he is unable to concentrate on a verbal word; he has an intense but short concentration span. When Gary was awarded the Fellowship at the Imperial College, which was the pinnacle of his life, he fell asleep on the central stage, whilst the Rector was talking in glowing terms about him! He is capable of resolving complex mathematical problems in his head, but surprisingly slow on basic mental arithmetic. Juggling numbers presents no problem to him but making a decision on the most simplistic administrative matter is a mammoth task. He would not be able to make a decision on what washing machine or a car to buy because he simply cannot process the necessary facts.

I believe that these mental characteristics contributed to some of the ill-fated events that led to my husband's conviction, as he would have skipped through the written documents without paying attention to details.

In everyday life, Gary is a useless, helpless man who cannot take care of himself. He has been known to go to work in two different shoes or wearing slippers because I forgot to check what he was putting on before we left for work. (I am the family chauffeur so all he had to do was just step into a car) I would take him to a barber's shop, gave instructions how to cut his hair, and then checked if the haircut was satisfactory. During his illness I had to describe to the doctors what symptoms and discomfort he had, because he would not say anything himself. Even when I did not

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attend some of his later check-up visits I would call his doctors in advance with a list of problems because Gary would not bring himself to mention any. His inability to cope with basic, everyday chores has been a major difficulty during the past four and a half years.

I have not seen my husband since May 18<sup>th</sup> 2005. Though I have desperately wanted to go to New York to be with him, I followed the advice of legal counsels in England and USA not to go. (I understand that an application for a safe passage for me, filed on behalf of my husband, was turned down.) As a mother to a young child, I could not take the risk of possible remaining in USA while the course of your country legal system takes place. I have no family living in England; there is nobody here who could even on temporary basis take care of my son. As a wife, I deeply resent the circumstances that prevented me from being with my husband during the bleakest times in our life. The vacancy that my absence created was gradually filled in by various emotional vultures and our marriage became a casualty of the circumstances. The separation has brought so many problems and personal pain for each of us and our two children that they frequently overshadowed and dwarfed the real despair - the criminal action against my husband. None of this would have happened if we were not geographically separated or if the legal process took less time.

Much has been said about the fact that my husband was born in the internment camp. Though he himself claims to have no recollection of being there, the memory of those times has been pounded into him by his parents and the injustice of being imprisoned just because of their Japanese ancestry and the sense of isolation and segregation have moulded his life profoundly. The very fact that three of his sons bear the same initials- M. A. T. – which make up the name of his paternal uncle, Mat, who was killed in action in the battle of Belvedere, near Pisa, in 1944 speaks volume for itself, because Gary never knew his uncle. Gary's uncle joined the USA army to prove that he was a loyal American; he did not want to be put in the internment camp and be treated as a spy.

Gary has many odd habits that could have only originated from being exposed to severely poor, fight for survival conditions. It was not just the length of time that he and his family spent in Minidoka but all the years that followed thereafter that collectively tainted his personality. For example, he likes buying cheap food in large quantities, tins of food that nobody ever eats. Just to keep them. This is an annoying but harmless habit, however the most severe one is Gary's inability to deal with problems head on. He was brought up to mistrust the outside world, he was trained to avoid confrontations at all cost and as a result he has never been able to address and resolve problems directly. I believe that this has been the seed of all his big misfortunes and errors of judgment both in private and business life.

For example, the outcome of his cancer operations possibly could have been less severe if only Gary acted sooner. The "lump" in his mouth became noticeable when Gary was about 15 years old. When I first met Gary, more than 19 years ago, he told me about the lump. I found a mouth surgeon but Gary refused to have an operation because he *"was not going to waste three days of his life in a hospital"*- work was more important. Then, many years later when Gary knew that the lump turned



malignant, he did not tell me and carried on in denial for another five months. It is possible that the cancer, which was in a shape and size of a Californian plum, would have been just that microscopically smaller four months prior to the first operation and then the surgeon would have been able to remove it entirely. What actually happened was that a couple of cancer cells got attached to the soft issues of the inner jaw and the surgeon was unable to scrape them off, because there would not have been enough soft tissues left. The cancer cells grew back aggressively within two months and Gary lost his jaw in the second operation.

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Another dire example of Gary's inability to face and deal with difficult situation is when we were flying with our children from Chicago to London. It was an overnight flight. Our son was only one and a half years old. Gary gave A one cashew nut. It was the first time Alex was ever given nuts. Almost instantaneously, the toddler got red in a face and started to cry. Literally as I was looking at him, mosquito bites-like lumps were appearing on his face and body and he was scratching himself so badly that he was bleeding. I started to panic that our son had an allergic reaction. I got the steward attention and wanted to get some medical help. The plane was already taxing and Gary was embarrassed that I was causing fuss. He hid himself in the toilet whilst I was holding the baby and insisting on stopping the plane. Two of the passengers on board happened to be doctors and under their advice to seek immediate medical help the plane went back and an ambulance took us to a hospital. The doctors at the hospital told us that A most likely would have died without the adrenaline that the medics gave him in the ambulance before we reached the hospital. I do not think that Gary did not care whether our son would live or die. However, the prospect of turning back a fully boarded 747 that was already taxing was too much to handle. He was prepared to dismiss my worries rather than to take control of the situation. He did not want to confront the situation; he left me to deal with it.

Therefore, when it came to work environment, Gary's approach to facing and solving problems was the same as in his personal life. He had had countless disagreements with Vilar on many aspects of running the company, ranging from silly issues of what cellotape to purchase to very important matters, like the portfolio management strategies; a good example of which is when in about 1997 in an anticipation of the coming crash, Gary sold all the stock position. For a while there was only cash, when the market tumbled down Gary used the cash to buy the same shares at the lower price, hence making an instantaneous gain at the time when everyone else was sustaining losses. In the period between the sale and purchase Albert was screaming and shouting at Gary and humiliating him for taking such idiotic decision. However, when it turned out that it was an ingenious move, Albert boasted that it was his idea.

Expenses were the everlasting, permanent problem. Gary tried to curtail Vilar's spending both personal withdrawals as well as the cost of running the company but the methods he employed were not very effective. In military terms he was running a guerrilla war rather than an open field battle. Unfortunately, there are no psychological tests to pass, NASA style, to qualify as an able company director and sheer talent, intelligence, good intentions, and hard work are not enough to avoid disaster such as happened to Amerindo. Some men are born leaders and some can only run a science lab. Gary is the way he is because of his upbringing, which in turn was moulded by his parent's inability to come to terms with the injustice of being in the interment camp.



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It is worth noting that Gary's grandfathers came to USA in 1903. They were both only 25 years old, their young wives followed shortly. None of them spoke English at that time of arrival and importantly they never learnt any English. They lived by a moral code and social values of late 19<sup>th</sup> century Japan. Their children, Gary's parents, as well as Gary were brought up according to those old values that no longer existed in his current times even in Japan. Gary had no contact with Americans until he went to school. During his first year at school, he did not speak any English and as a result, he had no friends at school and was ostracised by other children. The academically brilliant child was ridiculed by his peers and teachers for being dumb and mute - he just could not speak the language. The isolation to a certain degree continued through his schooldays, possibly because he worked at his father's factory after school and during holidays. It was not until he was in the second year of his High School that his math teacher recognized Gary's natural talent for math. The teacher took a personal interest in Gary, encouraged him to widen his horizons. He set out extra work for Gary, which broaden his mathematical knowledge and expanded his talent. As a result of the extra studies Gary did on his own, when he sat the standard university exams he was awarded advanced credits that MIT gave him for his first year work.

Gary always had very high work ethics. He lived to work rather than work to live. Family life was secondary to his work. We worked to the New York Stock Exchange hours, which meant that we arrived at the office about 2 pm but we did not get home well after 10 pm. During the 15 years I worked at Amerindo I hardly ever had the luxury of putting my children to bed. Weekdays, we were not at home to help our children with the homework or even just spend evenings in front of TV. Gary took pride in having a successful company, especially that in his quiet ways he believed that it was his trading that was more important than marketing. Clients were important; the successes of the company depended on having long term, happy clients. As he used to say to me: "*our main asset is our reputation*".

Gary has always been caring and respectful of his and my parents. He was an obedient son, and fulfilled his parents' requests no matter what they were. He used to say: *my parents put food on the table and they did not send me to work in sweatshops; whether they were right or wrong I did not question their thinking*" Gary's parents divorced when he was about 30 years old. His Dad spent the rest of his life on his own. His favourite pastime was playing golf. Knowing that Pa's favourite golfing place was La Casta, Gary and I took Pa there on a couple occasions and sent him there on pre-paid weekends on a few more occasions, too. Bearing in mind that neither of us plays golf, we sat there reading books all day waiting for his Dad to finish his rounds. Gary was happy that he could please his Dad. For about five years before Pa died, we had been sending checks of considerable amounts to allow him to have a more carefree life. When it transpired that Pa had kidney failure, Gary paid for his doctor's bills as well as for two, round the clock, nurses. We bought a special reclining chair that enabled him to get up in an easier manner. In the meantime, here in England, we had a spare room adapted to accommodate Pa's special needs, as he was going to move in with us. Sadly, he became too ill to make the long flight. During his illness, we took our children to visit him. When Pa died, Gary requested that his portion of inheritance be equally split between all the five children, so they

Gary was equally respectful of my parents. Appreciating my Mum's cooking, my Dad's DIY achievements. What was lacking in language was made up by smiles and loving embraces from both sides. He made my parents very welcome in our house and he tried to please them with many endearing gestures. A testimony of the loving relationship they have had is a letter from my parents, which I have translated and enclosed. My parents adored Gary. The stress of the ordeal that we all have been going through have affected them very deeply, and my Dad who is 83 years old has deteriorated so badly particularly over the last two years, with a number of prolonged stays in a hospital, that we are fearful how much longer his frail body can cope.

Your Honour, our saga of misfortunes started in the autumn of 2003, first with my husbands' eye operations, followed by the cancer operations and radiation treatments and then the devastating events of the criminal action brought against my husband. Six years of constant pressure, worries, distress and sadness is a very long time to cope with and the ordeal is still going on. My husband, our two children, and I are drained with exhaustion of trying to carry on from day to day.

Details of my husband's cancer operations were presented during the trial, but they were just dry, medical descriptions, which did not, and could not convey the turmoil and anguish that went on with the illness. As I mentioned above Gary kept it a secret from me for 5 months that he was diagnosed with a cancer. It was our daughter's 20<sup>th</sup> birthday on the 21<sup>st</sup> November 2003. She just started a university course in October and it was her first visit home. On Sunday afternoon, out of a blue Gary said that he was taking the last flight to New York that evening. As he was stepping out of the house, he told me that he left a business card of a doctor in New York, who was going to remove a "mole" from his mouth on Tuesday. *"Not a big deal, just a small cosmetic procedure. Quick in and out"*, but if I wanted more details I could call the doctor. And off he went. I did not manage to get hold of Dr Kraus until Monday 5pm my time. In a brief, direct conversation, I was informed that my husband had a malignant cancer, that the operation was to take place the next day at 11am NY time and it could not be postponed for my arrival because the doctor had already wanted to operate a few month earlier but my husband was delaying it from one month to another. During those five minutes or so, my whole world collapsed. I could not breathe, I could not move. It was already too late to catch the last flight to New York. We did not have a housekeeper or a nanny anymore. Our son was barely seven years old and there was no adult who could have taken care of him on full time basis, so out of no choice my daughter did not return to university and stayed to care for her brother. Our daughter went into a shock about the news, all I said to our son was that Daddy was taken ill and I had to take care of him. I took the first flight to New York the following morning, leaving both children behind in a terrible distress.

I did know anything about the US medical care system; I did not know whether Sloan-Kettering was a good or mediocre hospital. Other than a couple of streets around the Amerindo office, I did not know New York at all.

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I arrived at the hotel at about 1pm, left my bags, and went straight to the hospital. I remembered that during our telephone conversation, my husband's doctor had told me that the operation would begin at 11am and it would last about 2 hours, so in effect the operation should have been over just as I would arrive at the hospital. About 3pm, there was no news how Gary was doing, I waited and waited and waited each hour seemed like eternity. I was worried that they encountered difficulties during the operation and that no one wanted to tell me the bad news yet. Finally, after waiting for five hours I was told that I could see Gary in the recovery room in next two hours. By that time, I was ill with migraine.

When I finally saw Gary, he was awake. His head was bandaged, he was connected to all kinds of tubes, cold oxygen was being blown at his face and neck, and to his and my horror, he could not speak. He tried and no sound was coming from his mouth.

At that time, I did not know if this was to be expected or whether his vocal cords or his tongue were damaged. So I got a few sheets of paper from the nurse and had Gary write to me how he was. Normally one is only allowed to stay for a few minutes in the recovery room, but I managed to stay for two hours. I got a doctor to change the temperature of the oxygen, because Gary was too cold. He was worried that he might get pneumonia. He grandfather died in a hospital getting pneumonia in an oxygen tent. Then I sort out his toilet needs, the logistics of it for the rest of the night, and then re-position him in the bed, until he got in a comfortable position. He was thirsty, so I continued to wet his lips because he was not allowed to drink. The attention he needed could not have been provided by the nurses. You see, Your Honour, Gary is incapable of asking direct question or making any direct requests. Finally, I was told to leave.

When I arrived at the hospital, the next morning Gary still could not talk and he did not know why. He was not comfortable and to make things worse he was sharing a tiny room with another patient. The other patient was there for chemotherapy and he had to eat a lot. The smell of Spanish food was agitating Gary, who was on a drip but "dying" for a cup of coffee and a burger. It took me a long while to find out that Gary checked himself in the cheapest room and that it was possible to be upgraded to a better accommodation and better level of care. By the end of a day, he was moved to a single room and I moved in there with him to assure him that he would be well taken care of. So I bathed him, help him with the toilet needs, checked that the dressing was changed in the way he wanted, kept him company. After ten days, he was discharged and we moved to Lombardy Hotel.

We not allowed to fly back home for two weeks in case Gary might get blood clots after the operation. Eating was difficult, as he could not swallow easily. We had a room with a tiny kitchen and I cooked daily, liquidising everything.

Back at home, the children were worried about their Dad. Simple task like getting my son to and from school was a problem because my daughter does not drive. My Mum came over from Poland to take care of them, but as she does not speak English, the majority of sorting out any daily problems fell on my daughter.



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On the day we were due to fly back we went for a final check-up visit. There we learnt that a couple of cancer cells were left behind because they were impossible to be removed. There was not enough soft tissue on the inside of the gum. As the cancer was originally slow growing the conclusion was that even if it were to come back it would take years before it appears again.

We finally returned home a few days before Christmas. We did not return to the office. Gary was tired; he had difficulty to eat, as swallowing was very difficult. He had an atrocious smell coming from his mouth, which was the artificial skin disintegrating. When it finally fell off, it exposed a huge cavity inside his mouth, like a pelican pouch. Eating became very difficult, because pieces of food would fall in the hole and he had physically use his fingers to get them out, but he did not want to eat just liquidised food forever. The scar under his chin was tight and sore.

Every so often, I would look inside his mouth to see how well he was healing. Then in the middle of January I noticed two small growths on the inside of Gary's gums. Panicking, I phoned his doctor at Sloan -Kettering and he requested that Gary would fly over to New York for examination. Gary, being Gary took his time as if not reacting to the situation was dismissing its importance. I, on the other hand was going through torture with worry on daily basis.

Finally he saw his doctor in mid- February and after the biopsy, it was confirmed that the cancer returned aggressively. A new operation was schedule for mid-March. We were told that it would be a major operation. It was indicated that we would have to stay at least month and a half in New York. This time I made as many as possible arrangement for the care of our son. My brother, who lives abroad, sacrificing his own family, took his entire annual leave to come and take care of my son and again, my daughter took a leave from her studies to make up for the remaining time. By that time, the children were scared that their Dad was dying. The worry was intensified by the fact that I was leaving them again. Long distance is a terrible factor in situations such as this.

The second operation lasted 14 hours but we arrived at the hospital just a shade after 5 o'clock in the morning and I did not leave until mid-night. I said good-bye to Gary about 7am and spent the rest of the seventeen hours seating alone, waiting and waiting and waiting to hear that he survived the operation. They were the longest, most lonely hours of my life.

I was briefly allowed to see Gary in the recovery room. However, I was not prepared for the shock of what I saw. His face was so much swollen that his jaw was wider than his forehead. His bottom lip was enormously large. He did not look like himself. He looked dead. On this occasion I was asked to leave within two minutes.

I was back at the hospital early the following morning. Like previously I moved into his room to keep an eye on him day and night. The hospital provided me with an armchair that turned into a bed. Gary was conscious. This time I knew he would be not able to speak so I gave him a writing pad, to write if he was all right. To my horror Gary was not able to write. He was attempting to write but no letters let alone words were appearing on a page - just uneven swirly lines.

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I called for a duty doctor and the suspicion that Gary was brain damaged was starting to appear. I was told that he lost a lot of blood during the operation and that can sometimes cause brain damage. A neurologist was called but he could not come up with any explanation. So I insisted on calling another more senior neurologist, on brain scans, blood scans, on any test that existed, which could do something. Sunday gone and there was no change in Gary's condition. His eyes were so sad and helpless and at that time I thought he was turned into a vegetable. So I prayed to God and bargained with the Devil to make my husband better. I insisted on the most senior neurologist to see Gary. He did not have any explanation either but suggested I just take each day as it came. I was not prepared to wait and then I remembered that Gary is allergic to alcohol. Even a small amount makes half of his face red. I was telling about it to a Polish nurse and she suggested that I call for an urologist. Luck had it that the urologist was an Asian person and he was familiar with this condition, which exists mainly in Asian people. Tests were done and it turned out that Gary's liver does not produce a certain enzyme, which flushes poisonous toxin from his body. During the long operation, Gary was given a lot of anaesthesia and immediately after large doses of morphine on very frequent basis. His body was not flushing it out and the accumulation of the drugs severely affected his brain. He lost the ability to write and draw even simple shape like a circle. Obviously I did not know if what else was affected since he was unable to speak or to walk. So the drip with morphine was removed. Within about two hours, Gary looked sleepy and nurses were worried that he was slipping into a coma, but to me he was just falling a sleep. He slept for a few hours. When he woke up he made a sign that he wanted to write. He wrote: *Did you remember to get my Racing Post on Friday?* And then I knew his brain was working again.

Even though Gary regained his mental faculties, he was in a bad state otherwise. He had a tracheotomy. It was very difficult because only a specially trained nurse could keep the tube clean and remove the constant accumulation of mucus. He was also fed through it. Being a slow eater he could not manage to withstand the "speed" of the feeding tube. I arranged to have it slowed down but the effect was that he hardly had any break between the feeds, which was putting stress on his stomach and on the tube itself. The flavour of the feed was making him nauseas. I hired a day and night nurse for the first five days just to look after Gary solely as the degree of assistance he required could not be provided by the hospital. He had large bedsores on his back; he could only walk very slowly with the aid of a walking frame, because of the wound in his leg. I washed him, help him with his intimate bathroom needs, assist him with anything he needed but most of all acted as the voice he did not have. The truth is that even if he could speak he would have never asked for anything nor complained. Like most men I know, including my Dad, Gary uses his wife (me) to make complaints on his behalf and then pretends that he, himself, has to put up with this unnecessary fussing.

After two weeks at the hospital we moved to the Lombardy hotel. Gary could barely walk. He had to learn how to use his foot correctly to avoid a breaking of the only bone he had left in his right leg. There was a lot of fluid accumulation so I had to bandage his leg from toes to the knee in a certain way so the leg would not swell too much. Simple thing like finding a pair of shoes that would fit was difficult, because nothing was wide enough. The inside of his mouth was one big wound. His face was totally changed. His face was very swollen; he lost totally the feeling sensation in his

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bottom lip and the chin. I shaved him daily because having no feeling in his chin he was cutting his skin. I fed him food like a baby because being totally numb in his bottom lip and chin, he could not "find" his mouth properly and food was falling down his chin. His mouth could only open a little and I had to use a teaspoon to feed him with. All he could eat was liquidised food, because he had difficulties to swallow and he could not bite or chew. After three weeks at the Lombardy we went for a check-up visit and hoped that we would be able to fly back home. To our horror, we learnt that some cancer cells were found in his neck lymph node. Radiation was unavoidable and it had to start within a week. I went for a private meeting with Gary's doctor and was told that if the cancer cells would travel to his lungs Gary would be dead within six months. From that moment onwards, nothing took priorities above me taking care of my husband.

We returned to England to see our children. Within a week, Gary went back to New York to start the radiation. I stayed at home for another week to organize once again care for our son, who by now was showing signs of distress from being separated from his parents for so long. Seeing his Dad's face changed so much was a shock to him and a great worry. This time we were to be away for more than two months.

Gary had an intensive, aggressive radiation, everyday for six weeks. He got progressively worse as time went on. He had his treatment at 7 am in the morning. To get some exercise that was needed for the circulation in his wounded leg, we walked very slowly, with the aid of a cane, from Sloan-Kettering back to Lombardy.

By about 1-2 in the afternoon the effects of the morning radiation were at its highest and Gary had to sleep because he was too weak to stay awake. Eating was the biggest problem. He lost total sense of any taste. Salt and pepper in the smallest amount were burning his mouth; orange juice was like acid being poured down his throat. Everything, including water, tasted like rotten food that was defrosted after 10 years. He had ulcers in his mouth, swollen throat and no saliva at all; because of all those symptoms, he had difficulties to speak and his speech was impaired to the point that certain vowels and consonants were unrecognisable. He was losing weight rapidly: from 82 kg before the first operation he was now 57kg. His oncologist told me that I have to make Gary consume 4,000 calories a day because the radiation was burning about 2,000 calories a day and the other two thousand were needed to regenerate new healthy cells on daily basis. Feeding Gary became a battle of wits. Whilst my husband was a model patient to the outside world, behind closed doors he would let go of the anger, frustration and discomfort the radiation was causing him. He did not want to eat, because taking food was painful. It would take me hours to feed him a small portion of scrambled eggs that had to be liquidised, so he could swallow them. He was getting dehydrated because he could not and did not want to drink. The situation got so bad that he was threatened by his doctor that if he kept refusing to eat he would be taken back to the hospital, put on a drip, and not allowed to see me at all. I felt that if I worked in coalmines I would be less exhausted than trying to feed Gary daily.

When we finally returned home at the end of July, I was physically and emotionally exhausted. The work did not stop there, though. Gary did not regain his taste until about March the following year, though gradually the stronger, basic tastes returned. However, the inability to swallow, bite and to chew remains all the time. For a while



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I continue to feed him like a baby, but he had to learn how to "find" his mouth and not to loose food from a spoon before it reached his mouth - sort of, what a clumsy toddler would do. His condition affected our daily life. He was very tired and needed to rest through out the day, he lost hair at the back of his head, his face was disfigured, and his body was frail. Gary aged about 20 years during those four month since the second operation. We stopped going out, because firstly, he could not eat easily and secondly people would stare at him because of the damage that happened to his face. We did not have anyone coming to see us at home either. Our son stopped having his friends visiting him for a playtime.

Gary's doctor recommended that he would take a long break from work to recuperate; I was asking that he would retire. I was worried that he would die and I wanted him to have some quality time with us. Gary refused my plea and the doctor's advice and insisted on working. He was adamant that he was going to make good on his obligations to the clients. The decision came at a price, though. He always suffered from insomnia and now he was afraid to sleep at night. When he was at home he would nap throughout a day, mainly by falling asleep whenever he was seating, being at the office was a different situation. He could not do that in front of others and he would not admit that he needed a rest. So I would pretend that he and I were going out during work hours and I would drag him to the basement flat, where he would nap for a while. I would also make him eat some soup there, just to add some regular calories. This charade of frequent "outings" carried on for a few months.

There were days that he just could not go to work because he was too weak. The atmosphere at home was very sad. Gary had no energy or any willingness to do anything. He rested and relaxed in the way that suited him and our son and I were staying out of his way. We used desperate measures to entice him to have some sleep, for example, we would make him to watch a film with us, knowing well that within five minutes he would hug up to me and fall asleep. I would then stay still for the duration of the film so he would not wake up. Our son was being affected by the situation. First of all his Dad did not look the same and most importantly, Gary looked as if he had no energy to do anything with our son. Our family outings stopped. Generally speaking, our son just had to amuse himself and now to compete for my time as my entire attention was on Gary.

As Gary stopped taking salary for about three year prior to the cancer, we cut down substantially on household expenses, which meant that I had more house chores to take care of at the time when I would have gladly done with some extra help.

The successful outcome of any illness depends on the doctors' skills and God's willing. Cancer is the only illness I know off that the patient and the carer are expected to "fight the disease". So I went to war with this invisible, deadly enemy. I followed any suggestion Gary's doctors made, any advice friends and acquaintances had offered, anything I read about, anything that came to mind that I thought might help - just anything to keep my husband alive. Perhaps none of those things made any difference but the fear of loosing the battle was all-consuming. At the same time, I was very much worried about both of my children who by now needed attention as well, because they were distressed. They could not understand why, if Daddy needed so much care to make him better, he was still working.

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Your Honour, I read the trial transcripts on daily basis. The reading left me at times surprised, shocked and bewildered, but most of all confused. I know that my husband has been convicted of committing serious crimes. This is difficult for me to comprehend, because from where I stood I saw a man, who at the enormous cost to his health and a sacrifice of his family life, worked to fulfil his business obligations. I do not know whether my husband and Vilar conspired together to defraud the private clients I certainly was not a party to any such schemes, and I am deeply hurt by the accusations made against me. It was a common knowledge that Vilar and I loathed each other. It is not possible that two people with such intense, mutual disrespect could possible be united by a common goal, no matter how insignificant it might be, but in this case we are talking about a grand deception.

Your Honour, my husband and I will spend the rest of our lives living with the regrets and sorrows of the decisions my husband had made, but my son's life is just beginning. My son has nothing to do with the decisions his father took but in a long run, he will be the one who will pay the highest price for his father's mistakes. At the age of nearly 14 years old, he is entering the most difficult time in any young person's life and he has already been deeply disturbed by his father's situation. My son is an intelligent, very able, good natured and sensitive child. He has a very strong sense of right and wrong. He has difficulties to reconcile his love for his Dad with the fact that "his" dad is convicted of wrongdoings. Unlike his grown up siblings, my son does not have a bank of memories of his time spent with his Dad to call upon. It has been six years, which is almost half of my sons life, that his Dad has been absent from his life. Sending my husband to prison will not make the world a better world, but it will crush my son's world.

Please, spare my son from more hurt, humiliation and shame that he has already endured. He started a new school in September. Whilst all his new friends still live in the aura of their parents' success, my son works very hard to carve his own identity so he can be judged by his own achievements and not be viewed through the prism of his father's situation. Yet, like in the past, it will take only one press article to destroy my son's hard-earned new reputation.

There is nothing more damaging and devastating to family life than such long separation between husband and wife and father and children, as we have experienced. My children have suffered pain and sorrow of lacking the presence of their Dad in their daily life. The details of the consequences of the stress and humiliation they have been under are too harrowing to re-count, particularly in the case of my daughter.

There are no words to describe the loneliness and heartbreak I, as a wife, have endured during the last four and a half years.

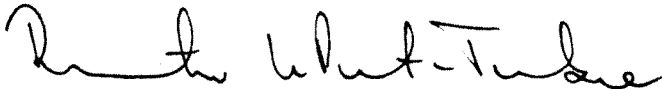
Your Honour might wonder why I have not written about the good times I have had with my husband over the last 19 years we have been together. There were many enduring and touching moments in our life together but writing about those, I feel, would only serve as an offset of what he did wrong. Those, whose lives have not been effected by the catastrophic events of the last four and half years can write in glowing words about the man they knew, whose altruistic gestures changed their



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lives or benefited others they knew. However, if Man's punishment is measured by the depth of the suffering and losses inflicted upon him and his family my letter intends to give Your Honour a glimpse of the pain, heartbreak, shame, humiliation and embarrassment that my husband, both of our children and I have suffered individually and collectively as a family. We, as a family, have already been serving the sentence for the last four and a half years before Your Honour will impose yours.

Your Honour, I thank you for reading this very long letter and in the most humble way I beg you, please have mercy upon my son, please do not send my husband to prison. Please, grant us a chance to at least be able to try to rebuild our shattered life, together as a family.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Renata LePort-Tanaka". The signature is fluid and cursive, with the first name "Renata" being more prominent and the last name "LePort-Tanaka" following in a similar style.

Renata LePort- Tanaka

**TAB 8**

Ms. Jenny Zanzuri

REDACTED

San Juan P.R.

The Honorable Richard J. Sullivan  
United States District Judge  
500 Pearl St.  
NY, NY 10007

26 August, 2009

Dear Sir,

I am writing this letter to plead clemency for Gary Tanaka.

My knowledge and understanding of Mr. Tanaka is that he is a very kind and generous person, who has made substantial donations to educational institutions over the years, had legally adopted his wife's daughter by previous marriage and ensured that she was given the best education possible. As an investor in Amerindo I was, over the years, able to make withdrawals from my account to help pay for my grandsons education. I was also able to withdraw a fairly large amount of money just prior to Mr. Tanakas arrest.

It has been almost 5 years since and during that period Mr. Tanaka has seen neither his wife nor biological son who must be about ten years at this point. He has had a serious cancer operation losing his lower jaw and all his bottom teeth. With his conviction he has lost both his broker's and horse racing license, the latter which I was given to understand was one of his great passions and which, I am sure, offered another source of income.

It is my own personal belief that Mr. Tanaka was unfortunately coerced or manipulated into his present situation, which in no way excuses his responsibility in this matter, and as a client that has lost a considerable amount of money, I honestly feel that he has been more that adequately punished for his transgressions by a Higher Authority. His future life expectancy is uncertain and personally I can see no merit in sending him to prison in his present condition which would only throw an additional financial burden on the State and really would serve no good purpose.

Your clemency and compassion would be greatly appreciated by both his family and friends.

Sincerely yours,



Jenny Zanzuri

## **TAB 9**

Hampshire  
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Tel (+44) 1730 892247

Honourable Richard J. Sullivan  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St,  
New York, NY 10007-1312

**REDACTED**

Date 27<sup>th</sup> August 2009

Dear Judge Sullivan,

I am writing to you with respect to the sentencing of Gary Tanaka. My name is John Rowan and have known Gary since our student days at Imperial College (London) where Gary obtained his Ph.D. in Mathematics. Over the past 42 years I have maintained a close contact with him and his family sharing a number of high profile and private social engagements as his guest in recent years. Following his arrest in June 2005 and the loss of the support structure provided by his company I have made every effort within my abilities to assist him and his young family in the UK through this difficult time.

During my student years Gary and I spent our vacations hitchhiking around Europe staying at Youth Hostels in various countries including East Germany that was at that time part of the Russian controlled sector behind the iron curtain. As you will appreciate this can be a dangerous activity at the height of the cold war in 1967 in the absence of any international communications and external support so we were reliant on each other for our safety and well being. I found Gary to be an excellent travelling companion who dealt with every difficulty that arose with his calm methodical reasoning and always retaining his good humour. Although Gary had much greater support funding from his parents in the US he was always very frugal with his spending. For example on one occasion when we were stranded late in the evening in the depths of the German countryside and rather than pay for a small "pension" he arranged an overnight stay at a camp for displaced soldiers and ex-prisoners from World War II. His talent for getting the best value made our adventures possible since the UK had very strict currency control regulations in force which limited purchase of foreign currency to 50 pounds sterling (about \$130) which was barely sufficient for a 6 week trip.

Gary's main interest has always been in Horse Racing and declared that he wanted to be a horse breeder. We went to a number of race meetings together and I observed that Gary maintained a meticulous ledger of all his bets together with a detailed profile of the horses concerned. The bets were always very small (around 20 - 50 cents) and he managed to make a small consistent profit over a period of time. I formed a view that these bets were not made primarily for financial gain but as an objective method of evaluating his calculations and judgment as he never seemed to be emotionally involved if an individual horse won or lost.

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Towards the end of our studies at Imperial we both married and became fathers with a young family. This was a particularly difficult time for me and Gary helped me out financially and as characteristic of his personality has never mentioned it since. I lost touch with Gary for some years after his return to the US but reconnected with him some 11 years ago after finding his name on a horse racing website. By this time he was both a very successful investor and a high profile owner of group 1 thoroughbred horses which regularly ran in the classic UK races. Gary has always appeared to me as being totally dedicated to his work to which he brings his considerable mathematical intellect to bear after exhaustive detailed research which has made him a very successful investment analyst. This intensive concentration on a single narrow task can sometimes be at the expense of attending to the needs and requests of others not directly related to the task in hand which can be frustrating characteristic of many mathematicians. However his friends and colleagues make allowances and understand that unresponsiveness is unintentional. Like many others I still have complete confidence in him and his personal integrity and hope that he may be able to resume his business activities.

I have found Gary to be a very private man and not given to ostentatious displays of wealth. He is always mindful of those around him to ensure they are comfortable by arranging things behind the scenes with his anonymous generosity. In many ways his difficulties over the past 4 years have given me an opportunity to pay back this debt of his unselfish friendship.

As you may be aware the case has received considerable media coverage in the UK with a number of two-page articles in our national newspapers that have traumatised his immediate family. In particular his young son A who was only 9 when the matter became public knowledge and had to face his cohorts of uncharitable young boys over the last 4 years. A has not seen his father for over 4 years because of his mothers fear of going to the US. This period of enforced separation came on top of long periods of absence due to extensive cancer treatment (chemo therapy and major surgery) in New York in the years leading up to Gary's arrest. A now 13 will be starting a new school in the near future with the opportunity to put the past behind him which would be facilitated by the support and love of his father during his teenage years. Although Gary has not made any complaints on the privations in living in a small room in his sons New York apartment I am sure he feels the pain in not being able to discharge his duties as a parent to both his young children A and Janeska.

I would therefore ask you to take account of his and his families suffering over the past 4 years and hope that he can be restored to his family and friends as soon as possible.

Yours sincerely,



John Rowan